

# MEMORANDUM

Agenda Item No. 4(D)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

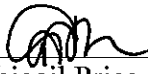
**DATE:** June 21, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance pertaining to zoning;  
amending section 33-20 of the  
Code pertaining to portable mini-  
storage units; amending Chapter  
8CC-10 of the Code pertaining to  
penalties; providing for civil  
penalties

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.

  
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Abigail Price-Williams *for*  
County Attorney

APW/cp



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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County Attorney

**SUBJECT:** Agenda Item No. 4(D)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4(D)  
6-21-16

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PERTAINING TO PORTABLE MINI-STORAGE UNITS; AMENDING CHAPTER 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PERTAINING TO PENALTIES; PROVIDING FOR CIVIL PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 33-20 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33-20. Accessory buildings; utility sheds and pergolas; swimming pools; fallout shelters; boat storage; portable mini-storage units.**

\* \* \*

(i) *Portable mini-storage unit.* For the purpose of this section, the term portable mini-storage unit shall mean a portable container designed for the storage of personal property that is placed on a homeowner's lot, parcel or tract and is designed to be delivered to and/or removed from the homeowner's site by a truck or other street-legal vehicle.

One temporary portable mini-storage unit may be placed on a fee simple lot, parcel or tract containing a single-family residence, subject to the following conditions and limitations:

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(1) The homeowner:

- (a) has a valid building permit for the major remodeling of, or for a significant addition to, or for damage repair to the single-family residence on the lot, parcel, or tract whereon the portable mini-storage unit is requested to be placed; or
- (b) is conducting work involving interior improvements that do not require a building permit; or
- (c) is using the portable mini-storage unit to move personal items or furnishings to another location; and

(2) The portable mini-storage unit, shall not exceed 8 feet in width, 16 feet in length, and 8 feet in height; and

(3) The portable mini-storage unit shall be placed at ground level, shall be setback a minimum of ten (10) feet from the front property line and a minimum of five (5) feet from all other property lines, >>shall not be visible from the street or, if all potential placement areas are visible from the street, shall be placed only on a driveway or paved surface<< and shall comply with the safe sight distance triangle regulations; and

(4) In no instance shall hazardous material be placed in the portable mini-storage unit >>and it shall be locked at all times when it is not being loaded or unloaded<<; and

- (5) The property owner shall apply for and obtain a Zoning Improvement Permit (ZIP) pursuant to Section 33-8.1 for a portable mini-storage unit that will be kept on the lot/parcel ~~[[for more than 15 days.]]~~>>; and<<
- (6) The ZIP for the portable mini-storage unit shall be a conditional permit and shall be issued for a period not to exceed ~~[[90]]~~ >>7 consecutive<< days<<]; and  
and
- (7) Upon application, the ZIP may be extended for a maximum of 30 consecutive days if the unit is located in the rear of the property or otherwise hidden from view from the street; and
- (8) No site may have more than 3 ZIP permits issued for a portable mini-storage unit within a 12-month period. No site may have a portable mini-storage unit for more than 21 days total in a 12-month period, or 60 days total in a 12-month period if an extension is granted; and
- (9)<< ~~[[7]]~~ No mechanical, plumbing or electrical installations or connections are made to the portable mini-storage unit. >>All portable mini-storage units must be kept in good, clean, and finished condition, with no visible signs of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks; and
- (10)<< ~~[[8]]~~ The portable mini-storage unit shall have clearly posted on the exterior of the unit, the name, current phone number and address of the company providing the portable mini-storage unit, a copy of the current ZIP permit issued for the mini-storage unit, and the date the portable mini-storage unit was placed at the site.

[[9]] >>(11)<< The conditional ZIP approval may be revoked by the Director at any time should the homeowner's utilization of such temporary portable mini-storage unit result in unsafe or unsanitary conditions on the site or upon violation of any of the conditions or limitations stated herein. >>All portable mini-storage units shall be removed immediately upon the issuance of a hurricane watch by a federal agency.

(12) Violations. Failure to comply with any condition or limitation of Section 33-20(i) shall constitute a violation. Violations of this section shall be punishable by a fine enumerated in Section 8CC-10 of this Code. A courtesy warning shall be issued prior to commencing any enforcement action, and the responsible party shall have five calendar days within which to correct the violation. Thereafter, the County may commence appropriate enforcement action.<<

**Section 2.** Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 8CC-10. Schedule of civil penalties.**

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The “descriptions of violations” below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or

required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

Code Section	Description of Violation	Civil Penalty
* * *		
>>33-20(i)	<u>Failure to comply with regulations relating to portable mini-storage units</u>	
	<u>First offense</u>	<u>250.00</u>
	<u>Second or More Continuing Violations</u>	<u>500.00</u> <<
* * *		

**Section 3.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 4.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 5.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

GBK for  
JEM

Prepared by:

Lauren E. Morse

Prime Sponsor: Senator Javier D. Souto